Agenda – Council – September 28, 2016

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 20, 2016

Item No. 13 Subdivision and Rezoning – 989-1001 Ducharme Avenue (South Winnipeg – St. Norbert Ward) File DASZ 29/2016 [c/r DAV 123620/2016D & DCU 123625/2016D]

STANDING COMMITTEE RECOMMENDATION:

On September 21, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That the plan of subdivision under File DASZ 29/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 29/2016 dated September 2nd, 2016 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into, execute and deliver a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated September 2nd, 2016.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 29/2016 dated August 22nd, 2016, to a "RMU" Residential Mixed Use District subject to the following:

    A. That the applicant enter into, execute and deliver a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That, the developer shall, at no expense to the City, provide safety measures from the CNR Letellier Subdivision consisting of any one of the following two measures:

            a). Berm, fencing, and setback:

                1. A 2.0 metre in height berm, measured from grade at the property line, with side slopes not steeper than 2.5 to 1. The berm shall be constructed entirely within the developer's property along the entire mutual property line of the development site and the CNR Letellier Subdivision.

The berm should be compacted to 95% modified proctor. The berm shall be built to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the berm as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

2. A 2.0 metre in height uniform noise attenuation fence built on top of the entire length of the berm referred to in condition 2.A.i.a.1, and built to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the noise attenuation fence as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

3. A uniform fence 1.83 metres in height within private property along the entire west property line abutting the CNR Letellier Subdivision and to the west of the berm referred to in condition 2.A.i.a.1, as determined by and to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

4. A minimum setback of 15 metres to any portion of a habitable room or space within a building from the west property line abutting the CNR Letellier subdivision.

b). Crash wall and setback:

1. A 2.13 metre in height crash wall, measured from the top of the rail elevation, that faces the CNR Letellier Subdivision. The crash wall shall be constructed entirely within the developer's property along the entire length of the principal building facing the CNR Letellier Subdivision. The crash wall shall be no less than 0.45 metres thick and shall be of solid, heavy construction.

2. The Developer shall build the crash wall to the satisfaction of the Director of Planning, Property, and Development. The Developer must proceed in accordance with section 3.6.1.3 of the FCM/RAC Guidelines for New Development in Proximity to Railway Operations (2013), including, without limitation, undertaking and submitting the detailed written study referred to in that section of the Guidelines for approval by the Director of Planning, Property and Development before building the crash wall.

3. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the crash wall as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

4. A minimum setback or 15 metres to any portion of a habitable room or space within a building from the west property line abutting the CNR Letellier subdivision.

    A. The minimum setback in 4. above may be measured as a combination of the horizontal and vertical distances equal to 15 metres if the crash wall is incorporated into the entire height of a low occupancy podium below a residential structure.

        ii. That, inflatable signs, digital static copy signs, or A-frame signs shall not be permitted on the entire site.

5. A uniform fence 1.83 metres in height within private property along the entire west property line abutting the CNR Letellier Subdivision as determined by and to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

3. That, in lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 20, 2016

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

11. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 20, 2016

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and the Riel Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 20, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 12, 2016, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendment:

- Add the following new recommendation 2. A. i. b) 5.:

  "2. A. i. b) 5. A uniform fence 1.83 metres in height within private property along the entire west property line abutting the CNR Letellier Subdivision as determined by and to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works."

and forwarded to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

RE: **Subdivision and Rezoning – 989 - 1001 Ducharme Avenue**
File DASZ 29/2016

For submission to: **The Standing Policy Committee on Property and Development, Heritage and Downtown Development**

Prepared by: **Rochelle Viray, Assistant Committee Clerk**
Riel Community Committee

Report date: **September 13, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 12, 2016, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, ***as amended,*** and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That the plan of subdivision proposed under File DASZ 29/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 29/2016 dated September 2nd, 2016 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into, execute and deliver a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated September 2nd, 2016.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 29/2016 dated August 22nd, 2016, to a "RMU" Residential Mixed Use District subject to the following:

    A. That the applicant enter into, execute and deliver a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That, the developer shall, at no expense to the City, provide safety measures from the CNR Letellier Subdivision consisting of any one of the following two measures:

            a). Berm, fencing, and setback:

1. A 2.0 metre in height berm, measured from grade at the property line, with side slopes not steeper than 2.5 to 1. The berm shall be constructed entirely within the developer's property along the entire mutual property line of the development site and the CNR Letellier Subdivision. The berm should be compacted to 95% modified proctor. The berm shall be built to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the berm as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

2. A 2.0 metre in height uniform noise attenuation fence built on top of the entire length of the berm referred to in condition 2.A.i.a.1, and built to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the noise attenuation fence as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

3. A uniform fence 1.83 metres in height within private property along the entire west property line abutting the CNR Letellier Subdivision and to the west of the berm referred to in condition 2.A.i.a.1, as determined by and to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

4. A minimum setback of 15 metres to any portion of a habitable room or space within a building from the west property line abutting the CNR Letellier subdivision.

b). Crash wall and setback:

1. A 2.13 metre in height crash wall, measured from the top of the rail elevation, that faces the CNR Letellier Subdivision. The crash wall shall be constructed entirely within the developer's property along the entire length of the principal building facing the CNR Letellier Subdivision. The crash wall shall be no less than 0.45 metres thick and shall be of solid, heavy construction.

2. The Developer shall build the crash wall to the satisfaction of the Director of Planning, Property, and Development. The Developer must proceed in accordance with section 3.6.1.3 of the FCM/RAC Guidelines for New Development in Proximity to Railway Operations (2013), including, without limitation, undertaking and submitting the detailed written study referred to in that section of the Guidelines for approval by the Director of Planning, Property and Development before building the crash wall.

3. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the crash wall as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

4. A minimum setback or 15 metres to any portion of a habitable room or space within a building from the west property line abutting the CNR Letellier subdivision.

    A. The minimum setback in 4. above may be measured as a combination of the horizontal and vertical distances equal to 15 metres if the crash wall is incorporated into the entire height of a low occupancy podium below a residential structure.

        ii. That, inflatable signs, digital static copy signs, or A-frame signs shall not be permitted on the entire site.

5. A uniform fence 1.83 metres in height within private property along the entire west property line abutting the CNR Letellier Subdivision as determined by and to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

3. That, in lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

11. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The Riel Community Committee provided the following supporting reasons for its recommendation:

1. It's in keeping with the St. Norbert Plan Development Overlay (PDO).
2. It's a very needed project; it's going to provide a level of apartments that will really suit the surrounding community.
3. There is a lot of demand in the community.
4. The client is going to be very creative with the approach with the Coulee, and will work on that together.
5. Very good project for St. Norbert in a prominent location; and what's really important is that it really recognizes the heritage and culture of the community in an innovative, modern, Parisian way.

PUBLIC HEARING SUMMARY

File: DASZ 29/2016

Before: Riel Community Committee
Councillor Mayes, Chairperson
Councillor Allard
Councillor Lukes

Public Hearing: September 12, 2016
Council Building, 510 Main Street

Applicant: 5468796 Architecture Inc.

Subject:



APPLICANT : 5468796 ARCHITECTURE INC.
FILE : DASZ 29/16
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "RR5 PDO-1 ST. NORBERT" RURAL RESIDENTIAL 5 DISTRICT to an "RMU PDO-1 ST. NORBERT" RESIDENTIAL MIXED USE DISTRICT to allow for the construction of a multi-storey mixed use commercial/residential building. **For information, phone Ms. E. Finnigan, Planner, at 204-986-8602.**
DEMANDEUR: 5468796 ARCHITECTURE INC.
N° DE DOSSIER : DALZ 29/16
PROJET : Demande d'approbation par le Conseil du plan de lotissement délinéé ci-dessus et proposition de modification du Zoning By-law No. 200/2006 (règlement municipal sur le zonage) visant à changer le zonage du bien-fonds délinéé ci-dessus afin de le faire passer de la catégorie RR5 DO-1 SAINT-NORBERT (secteur résidentiel en milieu rural 5) à la catégorie RMU DO-1 SAINT-NORBERT (secteur résidentiel polyvalent) pour permettre la construction d'un bâtiment polyvalent à usage commercial/résidentiel de plusieurs étages. **Pour plus de renseignements, communiquez avec Mme. E. Finnigan, urbaniste, au 204-986-8602.**

Premises Affected: 989 - 1001 Ducharme Avenue

Exhibits Filed:

1. Application dated June 20, 2016
2. Notification of Public Hearing dated July 12, 2016
3. Manitoba Status of Titles 2810696/1, 2810688/1
4. Letter of authorization dated February 26, 2016 from 6298037 Manitoba Ltd. (Alex Boersma) to 5468796 Architecture Inc.
5. Caveats 4096043, 4154314
6. Plans (10 pages)
7. Plan of Survey
8. Topographic Survey
9. Report from the Urban Planning Division dated August 22, 2016
10. Inspection Report

REPRESENTATIONS:

In Support:

Apollinaire Au
Colin Neufeld
Ryan Ridge
Jordy Craddock
Kelsey McMahon

In Opposition

Nil

For Information:

Nil

For the City:

G. Jasper, Land Development Administrator, Planning, Property and Development Department
B. Buyachok, Real Property Officer, Planning, Property and Development Department
R. Mahé, Planner, Planning, Property and Development Department
E. Finnigan, Planner, Planning, Property and Development Department
S. Jerez, Planner, Planning, Property and Development Department

Exhibit "10" referred to in File DASZ 29/2016

ADMINISTRATIVE REPORT

Title: DASZ 29/2016 – 989 - 1001 Ducharme AVE

Issue: An application for consideration at the Public Hearing to consolidate the two lots into one and rezone to RMU to facilitate the construction of a mixed use building.

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 29/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 29/2016 dated September 2nd, 2016 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into, execute and deliver a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated September 2nd, 2016.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 29/2016 dated August 22nd, 2016, to a "RMU" Residential Mixed Use District subject to the following:

    A. That the applicant enter into, execute and deliver a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That, the developer shall, at no expense to the City, provide safety measures from the CNR Letellier Subdivision consisting of any one of the following two measures:

        a). Berm, fencing, and setback:

        1. A 2.0 metre in height berm, measured from grade at the property line, with side slopes not steeper than 2.5 to 1. The berm shall be constructed entirely within the developer's property along the entire

mutual property line of the development site and the CNR Letellier Subdivision. The berm should be compacted to 95% modified proctor. The berm shall be built to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the berm as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

2. A 2.0 metre in height uniform noise attenuation fence built on top of the entire length of the berm referred to in condition 2.A.i.a.1, and built to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the noise attenuation fence as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

3. A uniform fence 1.83 metres in height within private property along the entire west property line abutting the CNR Letellier Subdivision and to the west of the berm referred to in condition 2.A.i.a.1, as determined by and to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

4. A minimum setback of 15 metres to any portion of a habitable room or space within a building from the west property line abutting the CNR Letellier subdivision.

b). Crash wall and setback:

1. A 2.13 metre in height crash wall, measured from the top of the rail elevation, that faces the CNR Letellier Subdivision. The crash wall shall be constructed entirely within the developer's property along the entire length of the principal building facing the CNR Letellier Subdivision. The crash wall shall be no less than 0.45 metres thick and shall be of solid, heavy construction.

2. The Developer shall build the crash wall to the satisfaction of the Director of Planning, Property, and Development. The Developer must proceed in accordance with section 3.6.1.3 of the FCM/RAC Guidelines for New Development in Proximity to Railway Operations (2013), including, without limitation, undertaking and submitting the detailed written study referred to in that section of the Guidelines for approval by the Director of Planning, Property and Development before building the crash wall.

3. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the crash wall as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

4. A minimum setback or 15 metres to any portion of a habitable room or space within a building from the west property line abutting the CNR Letellier subdivision.

    A. The minimum setback in 4. above may be measured as a combination of the horizontal and vertical distances equal to 15 metres if the crash wall is incorporated into the entire height of a low occupancy podium below a residential structure.

ii. That, inflatable signs, digital static copy signs, or A-frame signs shall not be permitted on the entire site.

3. That, in lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

11. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

- The applicant is proposing to consolidate the properties and rezone from RR5 to RMU to facilitate the construction of a 6 storey mixed use building. The building will encompass 40 residential units and one small scale commercial unit (approximately 500 square feet).
- Subdivisions and re-zonings require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the subject site will be consolidated and rezoned consistent with the map provided in Schedule "A" of this report.

HISTORY

St. Norbert Planned Development Overlay (PDO)

- On March 25 2008, the Standing Policy Committee on Property and Development requested that the Winnipeg Public Service initiate a preliminary review, analysis and recommendations with respect to a Secondary Plan for the South St. Norbert area bounded by the south Perimeter Highway, west of the Red River, east of the westerly City boundaries and out to the southern City boundaries. The Winnipeg Public Service responded to this request by undertaking a Background Study for the subject area, which was completed in November 2009.
- One of the conclusions and recommendations from the Background Study was that a Planned Development Overlay (PDO) District be established for St. Norbert's main street area.
- In January 2010, the City contracted with a consulting team to commence a community consultation process and prepare a PDO for the St. Norbert area. The team held a series of facilitated sessions and open houses with residents, business owners, property owners and key stakeholder groups in the community to develop a vision for the area, which could be reflected in the PDO.
- On July 21, 2010, Council adopted the St. Norbert PDO, which brought the PDO into force and effect. The PDO establishes an enabling framework to respect and reinforce the character of St. Norbert as a village centre. To accomplish this, new regulations in the PDO are implemented to shape how buildings and spaces in the St. Norbert PDO area can be developed.
- The subject property is located in the Village Centre Area 1a.

CONSULTATION

In preparing this report there was consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Elise Finnigan
Date:	August 22nd, 2016
File No.	DASZ 29/2016

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule "A" — Recommended File No. DASZ 29/2016 Riel Community Committee, dated August 22nd, 2016
3. Schedule "B" — Report of the Administrative Coordinating Group, dated September 2nd, 2016
4. Appendix B — St. Norbert Neighbourhood Main Street Planned Development Overlay 1
5. Appendix C — FCM/RAC Guidelines for New Development in Proximity to Railway Operations (2013), Section 3.6.1.3 – Crash Walls.

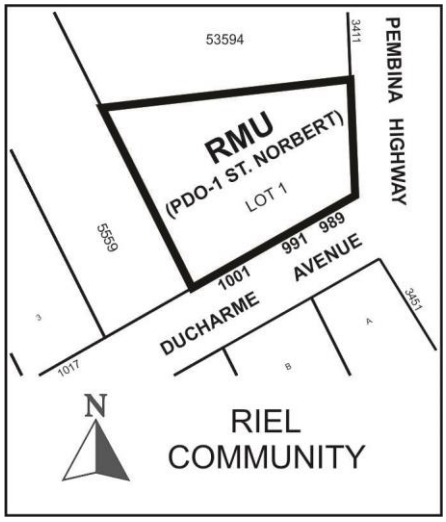
APPENDIX 'A'

DATE: August 22nd, 2016

FILE: **DASZ 29/2016**
RELATED FILES: DAV 16-123620\D, DCU 16-123625/C
COMMUNITY: Riel Community
NEIGHBOURHOOD #: 5.625

SUBJECT: To consolidate two lots into one and rezone to RMU to facilitate the construction of a mixed use building

LOCATION: 989 - 1001 Ducharme Avenue (see map below)



APPLICANT: Jordy Craddock
266 McDermot AVE
Winnipeg , Manitoba R3B OS8

OWNER: 72 LARCHDALE CRES
Winnipeg , Manitoba R2K 0C1

RECOMMENDATION: Approval with Conditions

SITE DESCRIPTION

- The subject property is located on the northwest corner of Pembina Highway and Ducharme Avenue in the St. Norbert neighbourhood of the South Winnipeg – St. Norbert ward.
- The property is comprised of two (2) lots of a plan of subdivision, SP Lot 4 and Lot 5, Plan 19689.
- There is an existing easement registered on the title of 989/991 Ducharme Avenue protecting the area surrounding the City of Winnipeg culvert.
- The subject site is **approximately 32,531** square feet in area and is currently occupied by a duplex (989 and 991 Ducharme Avenue) and a single family dwelling (1001 Ducharme Avenue).
- The site is located along a Regional Mixed Use Corridor (Pembina Highway) under the *Complete Communities Direction Strategy*. The site is within Area 1A of the St. Norbert PDO-1and zoned RR5 (Rural Residential 5).



Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2016)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Beaujolais Coulee; then a multi-family development zoned “CMU” Commercial Mixed Use.

South: Ducharme Avenue; then automotive repair and sales use zoned “C3” Commercial Corridor.

East: Pembina Highway; then the St. Norbert Community Centre and Children’s Centre zoned “PR2” Parks and Recreation 2 (Community).

West: The CNR Letellier Subdivision rail line; then detached single-family homes zoned “RR5” Rural Residential 5 and semi-detached homes zoned “RMF-S” Residential Multi-Family Small.

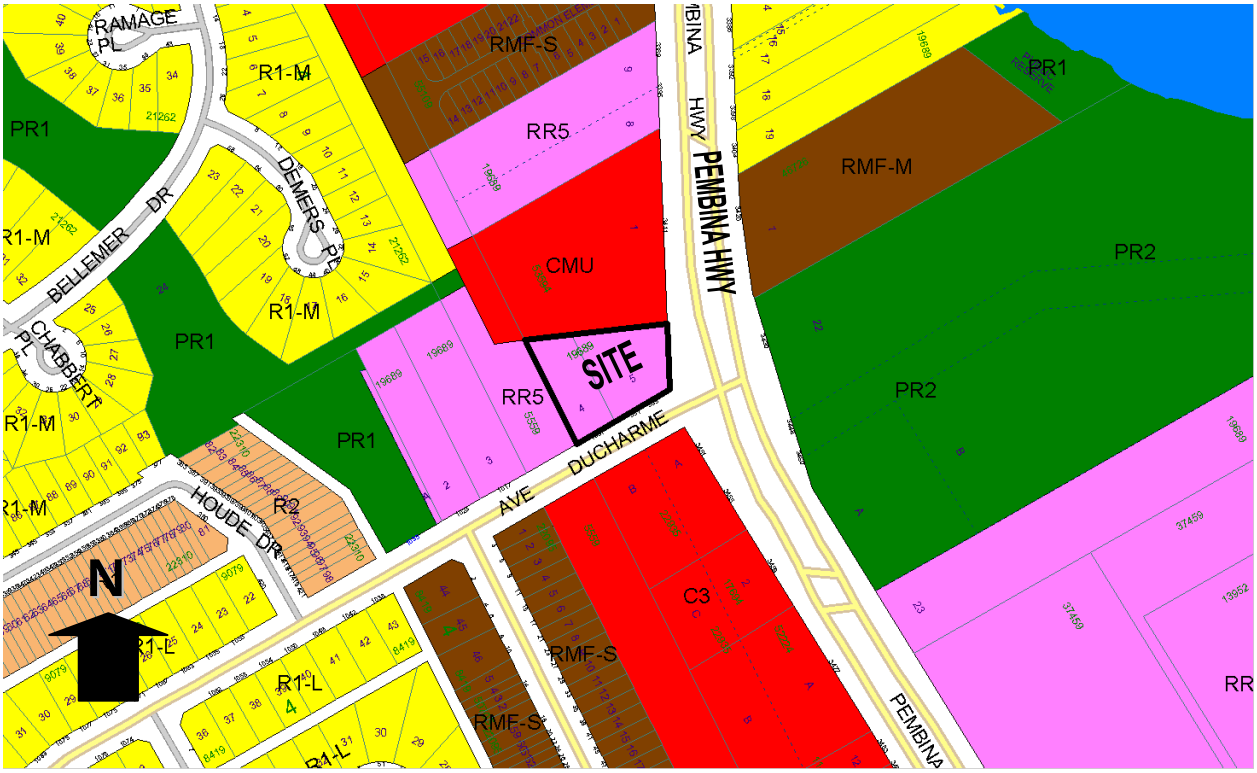


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to consolidate the site from two (2) lots into one (1) lot and rezone from “RR5” Rural Residential 5 to “RMU” Residential Mixed Use.
- The purpose of consolidating the lots and rezoning it to RMU is to facilitate the construction of a 6 storey mixed use building. The building will encompass 40 residential units and one small scale commercial unit (approximately 500 square feet) on the ground floor.
- The development will include 21 one-bedroom units approximately 650 square feet in area; 16 two bedroom units approximately 850 square feet in area; and three bachelor units approximately 400 square feet in area.
- Parking will be incorporated into the building with one level of parking at grade and the second level located underground. Each parking level will be accessed by its own approach off of Ducharme Avenue. A total of fifty-six (56) parking stalls and seventeen (17) bicycle parking stalls will be provided.
- The applicant has proposed a building design that complies with the design standards of the St. Norbert Planned Development Overlay. On the building wall facing Pembina Highway the applicant is proposing to include the main entrance, an outdoor patio as well as integrated planters. The applicant has also noted the inclusion of a mansard roof, hooded windows and dormers, which are required under the St. Norbert Urban Design Guidelines. The design will also include French balconies on the elevations facing Ducharme Avenue, Pembina Highway, and the Beaujolais Coulee.

- The portion of the proposed building exceeding twenty-five (25) feet in height is set back from the front building façade by ten (10) feet as per the St. Norbert PDO.
- The proposed development requires variances for yard setbacks, parking as well as insufficient landscaping (see associated variance application DAV 16-123620\D). There is also an associated conditional use application for the establishment of a patio (see DCU 16-123625/C).

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is located along a Regional Mixed-Use Corridor (Pembina Highway). Key policies guiding development along Regional Mixed-Use Corridors include:
    - Provide a mix of employment, higher-density residential opportunities, retail and service uses that support the needs of and respect the context of adjacent communities.
    - Support a range of housing opportunities in terms of type, tenure, unit size.
    - Promote the highest levels of intensification at significant intersections. Between each centre, lower intensities of commercial, residential and mixed use development are appropriate.
    - Support active uses (such as retail and services) at street level and office and housing on the upper levels of multi-storey developments.
    - Promote innovative parking strategies and high intensity developments, including locating parking lots to the rear of developments, encouraging the development of underground parking or parking structures and encouraging the preservation and/or planting of trees and other types of vegetation within and around surface parking lots.

CURRENT ZONING DISTRICT:

"RR5" Rural Residential 5

- The RR5 district is intended to provide areas for large-lot rural residential development, along with limited agricultural uses.

PROPOSED ZONING DISTRICT:

"RMU" Residential Mixed-Use District

- The RMU zone is intended to facilitate the development of primarily medium to higher-density residential development, though it also may contain limited small-scale commercial, institutional, recreational, and service facilities needed to support residential development. The dimensional standards for multi-family structures in the RMU zone are: a minimum front yard of 20 feet; a minimum rear yard of 25 feet; a minimum corner side yard of 20 feet; a minimum side yard of 8 feet (where the building is more than one storey in height the required interior side yard increases by 2 feet for each storey above the ground floor to a maximum of 20 feet) and, a maximum building height of 60 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 500 square feet.

COMPATIBILITY WITH EXISTING NEIGHBOURHOOD AND SURROUNDING USES

- The St. Norbert PDO includes purpose and intent statements to help provide an idea as to what is envisioned for the area. The subject property is located in the Village Centre (Area 1a). The Village Centre is intended to be a vibrant commercial and mixed use focal point in the community and distinguish Pembina Highway as St. Norbert's main street. Key purpose and intent statements include:
    - To respect and reinforce the character of St. Norbert's Neighbourhood Main Street.
    - To enable St. Norbert's Village Centre Area to create and maintain a focal point for vibrancy and life in the community by:
        (a) Preserving and enhancing the heritage character of St. Norbert;
        (b) Celebrating St. Norbert as the south entrance to Winnipeg;
        (c) Intensifying development, progressively from south to north along Pembina Highway, while maintaining a small town scale;
        (d) Distinguishing Pembina Highway south of the Perimeter as St. Norbert's main street;
        (e) Maintaining and enhancing Pembina Highway as a public street that encourages pedestrian activity.
- In the context of the intent statements above, the proposed rezoning of the land from RR5 to RMU for the development of an apartment building with one small scale commercial unit is appropriate.
- The proposed development adheres to all of the requirements of the St. Norbert PDO, including the maximum height (60 feet) and design requirements. Parking is located within the building, while an active pedestrian friendly street-front is maintained through the use of French balconies, large windows, an outdoor patio area, a public front entrance, and a commercial unit at-grade. The portion of the proposed building exceeding twenty-five (25) feet in height is set back from the front building façade by ten (10) feet, which helps soften the edge effect of this six storey building.
- Generally, the proposed design for the new building meets the vision for the Village Centre as outlined in the St. Norbert PDO. The Urban Planning Division is concerned, however, with the potential impact the south-facing building wall (along Ducharme Avenue) may have at street level noting the absence of any windows or other architectural details to help break up the massing of the wall. As such, the Division is recommending that future plans brought forward to the Riel Community Committee via the St. Norbert Design Review requirements (as per the PDO) include updated plans that provide better articulation of the south-facing building wall at street level.

PUBLIC CONSULTATION

- The applicant held an open house on June 27th, 2016 at the St. Norbert Community Centre. Approximately 27 people attended. The applicant provided a presentation of the project and distributed a questionnaire. The following concerns were raised:
    - Increased traffic from the development. Traffic lights should be installed at the Ducharme/Pembina intersection;
    - The design appears too futuristic and should be softened;

- Not enough parking;
- Three floors of residential units would be better than four to not impact the feel at street level;
- The commercial space should be innovative (i.e., not a Tim Hortons) and contribute to the local scene/heritage;
- Quality construction and green initiatives should be considered;
- The project should respect the history and culture of the area;
- May result in transient tenants due to low rental units.

RECOMMENDED ZONING AGREEMENT

Rail Proximity Considerations

- For applications involving a rezoning and/or subdivision, the Urban Planning Division often requires new development adjacent to rail operations incorporate the mitigation guidelines identified in *The Guidelines for New Development in Proximity to Railway Operations* (2013) report, which was prepared for the Federation of Canadian Municipalities and the Railway Association of Canada.
- Recommended setbacks are associated with the type of rail line neighbouring the development. In this case, the neighbouring CNR Letellier Subdivision is a Branch Line. The recommended setback from Branch Lines is 15 metres (49.2 feet) including a 2.0 metre (6.5 feet) high berm and fence.
- An alternative mitigation measure to the standard berm, fencing, and setback is the incorporation of a crash wall into the building design as well as a 15 metre (49.2 foot) setback to any portion of a habitable room or space within a building.
- In the case of the subject application, the applicant has chosen to incorporate a crash wall into their building design. As such, the Public Service is recommending the inclusion of a rail proximity mitigation condition in the zoning agreement that captures the option of constructing either the standard berm, fencing, and setback measure, or the crash wall measure.

Signage Restrictions

- Signage restrictions have been added to reduce clutter on the site and to reduce the potential for future signage to detract from the “neighbourhood village” character intended for the Village Centre.
- Billboards as well as mobile signs are not permitted in the St. Norbert PDO area.

Plan Approval

- Normally the Division would recommend that plan approval be included in the zoning agreement. However, design review is required for all development (including landscaping) in the St. Norbert PDO area, therefore the Urban Planning Division does not need to include a plan approval with this application.

SIDEWALK

- The Public Service is requesting a sidewalk be installed along Ducharme Avenue from Pembina Highway up to the most western proposed approach.
- For the remainder of frontage along Ducharme Avenue from the most western approach to the western property line, the Public Service is requesting the applicant contribute towards the construction of the sidewalk at such time as it is installed in the future.

EASEMENT

- *There is an existing easement registered on the title of 989/991 Ducharme Avenue protecting the area surrounding the City of Winnipeg culvert. The Public Service is requesting that the easement be extended to include the area surrounding the culvert at 1001 Ducharme Avenue.*

LAND DEDICATION

- *When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.*
- *As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.*
- *The amount of land is not less than 10%.*
- *The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.*
- *The City is requesting cash in lieu for this application.*

RECOMMENDATION

The Urban Planning Division recommends **approval** for the following reasons:

- The proposal is consistent with the policies guiding development along *Regional Mixed Use Corridors* in the *Complete Communities Direction Strategy* and is consistent with the St. Norbert Planned Development Overlay.
- The proposed development helps enhance Pembina Highway as a public street that encourages pedestrian activity, and helps intensify development in the area in order to distinguish the subject portion of Pembina Highway as St. Norbert's main street.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division

Report Prepared By: Elise Finnigan
PPD File # DASZ 29/2016

Schedule "A" for File No. DASZ 29/2016, Riel Committee, dated Aug. 22nd, 2016

By-Law No. _____

File No. **DASZ 29/16**

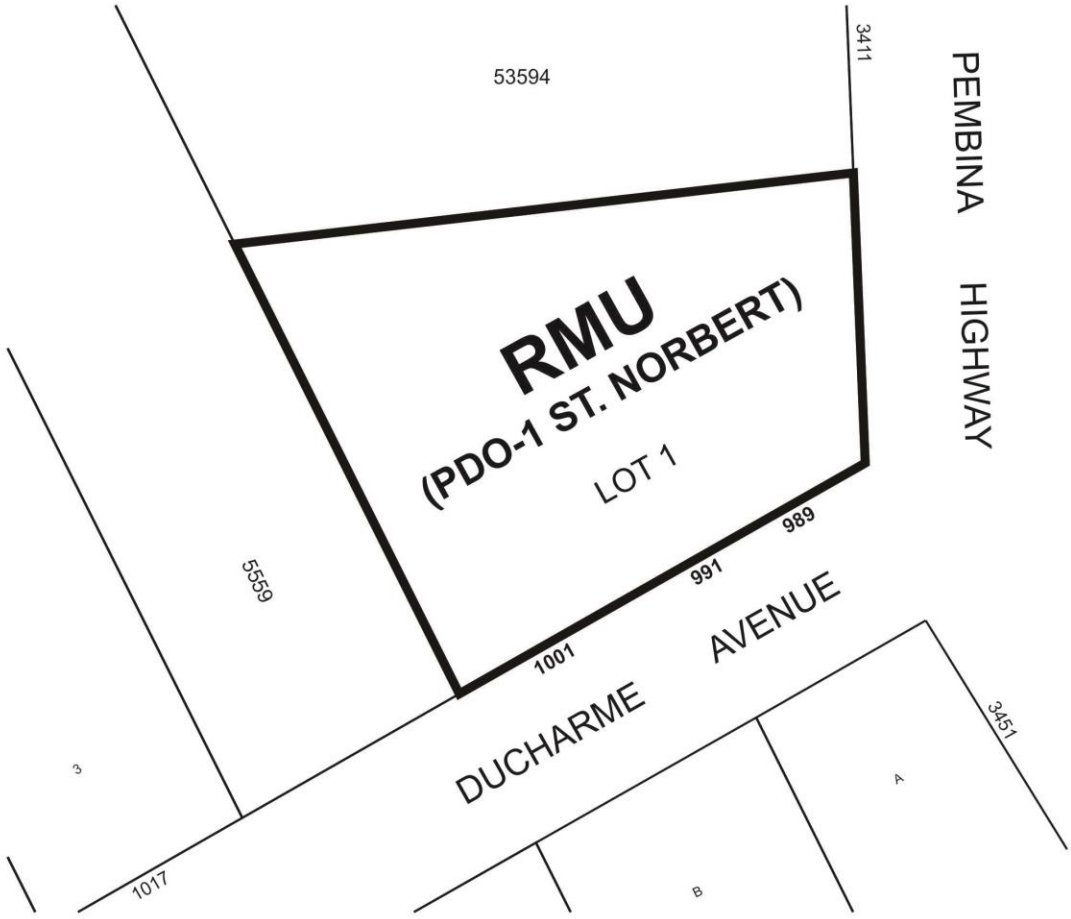
Atlas Sheet No.

N

AP23
RIEL
COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 989-1001 Ducharme Avenue from an "RR5 PDO-1 ST. NORBERT" RURAL RESIDENTIAL 5 DISTRICT to an "RMU PDO-1 ST. NORBERT" RESIDENTIAL MIXED USE DISTRICT to allow for the construction of a multi-storey mixed use commercial/residential building as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – Sept. 2nd, 2016

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 989-1001 DUCHARME AVENUE – DASZ 29/2016

It is recommended that the approval of DASZ 29/2016, if granted, be subject to the applicant entering into a Servicing Agreement and addressing the following items:

1) Geotechnical Report
   The Developer shall provide a geotechnical report prepared by a qualified geotechnical engineer, demonstrating that the channel bank stability is not negatively impacted by the proposed development and is adequate to maintain the long term integrity of the slope and ensure that the proposed structures will be adequately protected from possible development of slope instabilities.

   The proposed Development shall comply with the Floodway Fringe Regulation

2) Drainage Channel Easement
   The Developer shall , at no expense to the City, register an expanded easement for the drainage channel and surrounding area, as determined by and to the satisfaction of the Director of Water and Waste.

3) Private Approaches
   In accordance with Private Access By-law, Private Approaches require separate application to the Public Works Department. The Private Approaches will be reviewed once an application is received.

4) Pembina Highway Services
   The Developer shall, pay to the City, in cash on demand, its share of the cost of the following services installed in Pembina Highway along the full length of the Planned Area, abutting the west side of Pembina Highway:

   a) 4.0 m wide by 200mm thick Portland cement concrete lane of pavement and related works;
   b) 1.5 m Portland cement concrete sidewalk;
   c) street lighting in the west boulevard;
   d) boulevard sodding in the west boulevard;
   e) boulevard trees in the west boulevard,

   all as determined by and to the satisfaction of the Director of Public Works

5) Sidewalks
   The Developer shall:

   a) at no expense to the City, construct a 1.5 m wide by 100mm thick Portland cement concrete sidewalk on the north side of Ducharme Avenue from Pembina Highway to the Private Approach (the most western if there are more than one Private Approaches), at an alignment to the satisfaction of the Director of Public Works, and

b) pay to the City, in cash on demand, the costs of a 1.5 m wide by 100mm thick Portland cement concrete sidewalk on the north side of Ducharme Avenue, abutting the Planned Area, where sidewalk is not being constructed as part of this development as determined by and to the satisfaction of the Director of Public Works.

6) Fencing

The Developer shall, at no expense to the City, construct within the Planned Area abutting the CNR Letellier Subdivision, a uniform chain link fence 2.0 m in height, as determined by and to the satisfaction of the Director of Public Works. Said fence is intended to ensure that "pedestrian trespass" to the tracks does not become a consequence of the subject development, thereby creating safety issues and jeopardizing existing and/or future anti-whistling regulations along the subject railway line.

7) Construction Traffic

The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

8) Utilities

a) The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground to the satisfaction of the Director of Public Works.
b) The Developer shall pay all costs associated with the relocation of street lights and other utilities made necessary as a result of, or required to accommodate, the works to be constructed by the Developer to serve the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

9) Litter and Refuse Control and Clean-Up

a) The Developer shall, at no expense to the City, and of its own volition, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction, as determined by and to the satisfaction of the Director of Public Works.
b) The cleanup of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

10) By-laws and Approvals

The Developer shall pay all of its and the City's costs, fees, and expenses associated with the preparation and attainment of approval for registration of the Zoning By-law(s) and plan(s) of subdivision, including all Municipal Board, Land Titles Office and other fees and expenses, all survey, engineering and advertising fees and costs, and all expenses incidental to the preparation of the Agreement and the physical development of the Planned Area.

11) Administration Fees

The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City, $2138.00/acre of the planned area plus GST to help defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 29/2016
September 2, 2016

"Original signed by G. Jasper, P.Eng."

G.V. Jasper P. Eng.
Land Development Branch

"Original signed by M. Gajda, P.Eng."

M. Gajda P. Eng.
Water & Waste Department

"Original signed by C. Desjardine, P.Eng."

C.J. Desjardine P. Eng.
Public Works Department

GJ/gj

Appendix B: SCHEDULE N

added 80/2010; amended 36/2013

ST.NORBERT NEIGHBOURHOOD MAIN STREET PLANNED DEVELOPMENT OVERLAY 1 (PDO-1 ST. NORBERT)

Purpose

1. To respect and reinforce the character of St. Norbert's Neighbourhood Main Street.

Applicability

2. PDO-1 St. Norbert overlay district is shown on the attached map, identified as PDO-1 St. Norbert Principal Overlay Map (Map 1).

Development Standards

3. Except to the extent modified by the standards in this Schedule N, all standards of this By-law apply within the boundaries specified in the Principal Overlay Map (Map 1).

Area 1 – Village Centre Area

4. The following provisions apply to Village Centre Area 1 and Area 1A, unless otherwise stated:

Applicability

(1) The Village Centre Area is shown as Area 1 and Area 1A on Map 1.

Intent

(2) To enable St. Norbert's Village Centre Area to create and maintain a focal point for vibrancy and life in the community by:

(a) Preserving and enhancing the heritage character of St. Norbert;

(b) Celebrating St. Norbert as the south entrance to Winnipeg;

(c) Intensifying development, progressively from south to north along Pembina Highway, while maintaining a small town scale;

(d) Distinguishing Pembina Highway south of the Perimeter as St. Norbert's main street;

(e) Maintaining and enhancing Pembina Highway as a public street that encourages pedestrian activity.

Permitted Use Restrictions

(3) The following use is prohibited and is not allowed as a permitted, conditional, accessory, or temporary use:

(a) Billboard, Digital Moving Copy/ Billboard, Digital Static Copy/ Billboard, Poster,
amended 36/2013

Development and Design Standards

Dimensional Standards

(4) Development must comply with the dimensional standards in this subsection.

Height of Buildings

(a) Subject to sub-clauses (b) and (c), the maximum height of a building or structure must not exceed 35 feet;

(b) Where a proposed building will exceed 25 feet, the portion exceeding 25 feet must be set back from the front building facade at a distance equal to or greater than 10 feet;

(c) In Area 1A, the maximum height of any residential building or structure, must not exceed 60 feet.

Additional Yard Requirements

(d) Subject to (e), all buildings or structures must have a minimum front yard of 10 feet, except in Village Centre Area 1A;

(e) For the purpose of accommodating an otherwise approved park, plaza, square, outdoor dining/drinking area, or other pedestrian amenity, a building or structure may have a front yard greater than 10 feet to a maximum depth of 20 feet;

(f) For development of a lot with width greater than or equal to 50 feet, a commercial building or structure shall have a minimum side yard, interior side, or corner side yard of 4 feet.

Development Standards for Parking and Loading

(5) Accessory parking, loading and service areas must be located underground, behind or beside buildings.

Signs

(6) The owner should install bilingual signage which features at least the same size and quantity of lettering in French and in English.

(7) The following sign types are not permitted:

(a) Mobile sign.

Landscaping and Buffering

(8) Subject to sub-section (9), the owner is required to plant and maintain a minimum of one shade tree and three shrubs every 125 square feet in the front yard, clustered for interest or effect;

(9) In Area 1A, the owner is required to plant and maintain a minimum of one evergreen tree and five shrubs every 250 square feet in the front yard.

Design Standards

(10) Development must comply with the design standards in this subsection.

Façade Design

(a) Commercial and multi-family dwelling developments must incorporate three of the following seven features as part of the building wall facing Pembina Highway:

(i) the main public entrance;

(ii) a canopy or portico;

(iii) an arcade or arch;

(iv) a peaked roof form;

(v) an outside patio;

(vi) a display window;

(vii) integrated planters or wingwalls that incorporate landscaped areas or seating areas.

Building Transparency

(b) For commercial developments, each building façade area that faces a street must be composed of a minimum of 30 percent transparent materials, at least 1/2 of which must be provided so that the lowest edge of transparent material is no higher than 4 ft. above the street level.

Area 2 – Community Cultural Centre Area

5. The following provisions apply to the Community Cultural Centre Area, unless otherwise stated:

Applicability

(1) The Community Cultural Centre Area is shown as Area 2 on Map 1.

Intent

(2) To encourage and maintain development that respects and enhances the cultural significance of St Norbert and complements the commercial activity in the Village Centre Area, by:

(a) Maintaining and enhancing the prominent role and presence of institutional uses and heritage buildings in the area;

(b) Maintaining the rural country character and community focus of the area.

Development and Design Standards

Signs

(3) The owner should install bilingual signage which features at least the same size and quantity of lettering in French and in English.

(4) Notwithstanding other provisions of this By-law, in the Community and Cultural Centre Area, the following sign types are not permitted:

(a) Mobile sign.

Area 3 – Residential Area

6. The following provisions apply to the Residential Area:

Applicability

(1) The Residential Area is shown as Area 3 on Map 1.

Intent

(2)To maintain the residential character of the area and create a greater sense of place by incorporating building and site design elements.

Permitted Use Restrictions

(3) The following use is prohibited and is not allowed as a permitted, conditional, accessory, or temporary use:

(a) Billboard, Digital Moving Copy/ Billboard, Digital Static Copy/ Billboard, Poster.

amended 36/2013

Development Standards for Parking and Loading

(4) Parking for all commercial and multi-family dwelling developments must be located underground, behind or beside buildings.

Signs

(5) The owner should install bilingual signage which features at least the same size and quantity of lettering in French and in English.

(6) The following sign types are not permitted:

(a) Mobile sign.

Landscaping and Buffering

(7)The owner is required to plant and maintain a minimum of one shade tree and three shrubs every 125 square feet in the front yard.

Additional Design Standards

7. This section applies to all areas of the PDO-1 St. Norbert overlay district.

Design Review

(1) Except as otherwise provided in this section, all development, redevelopment, expansion, demolition, signage or exterior alteration visible from public rights-of-way is subject to urban design review and must be approved by the Riel Community Committee or the Director, as provided in this section, prior to commencement.

(2) The Riel Community Committee shall make decisions on urban design review applications for new construction, expansion or signage.

(3) The Director shall make decisions on all other urban design review applications.

(4) The Standing Policy Committee on Property and Development, Heritage and Downtown Development may approve urban design guidelines, standards or criteria, not inconsistent with the requirements in this section.

amended 113/2015

(5) In making decisions on urban design review applications, the Riel Community Committee and Director must consider any requirements in this section and any urban design guidelines, standards or criteria approved by the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

amended 113/2015

(6) The Riel Community Committee or Director may not deny approval of an urban design review application without first giving the applicant notice of the date, time, and location of a meeting to hear representation from the applicant concerning the application. If the applicant has not been so notified within 45 days of the urban design application being submitted in full, the applicant may submit a letter requesting such notification to the Standing Policy Committee on Property and Development, Heritage and Downtown Development. Upon receiving such letter, the Standing Policy Committee on Property and Development, Heritage and Downtown Development shall instruct the Riel Community Committee or the Director to approve or deny the urban design application within a specified period of time.

amended 113/2015

(7) An applicant may, in accordance with *The City of Winnipeg Charter*, appeal a decision by the Riel Community Committee or Director to deny approval of an urban design review application, to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

amended 113/2015

(8) This section does not apply to single-family dwellings and two-family dwellings.



Map 1 : St. Norbert Principal Overlay Map

APPENDIX 'C' FCM/RAC Guidelines for New Development in Proximity to Railway Operations, Section 3.6.1.3 – Crash Walls

3.6.1.3 Crash Walls

Crash walls are concrete structures that are designed to provide the equivalent resistance in the case of a train derailment as the standard berm, particularly in terms of its energy absorptive characteristics. The design of crash walls is dependent on variables such as train speed, weight, and the angle of impact, which will vary from case to case. Changes in these variables will affect the amount of energy that a given crash wall will have to absorb, to effectively stop the movement of the train. In addition, the load that a wall is designed to withstand will differ based on the flexibility of the structure, and therefore, on how much deflection that it provides under impact. For these reasons, it is not possible to specify design standards for crash walls. In keeping with existing guidelines developed by AECOM, the appropriate load that a crash wall will have to withstand must be derived from the criteria outlined below.

- When proposing a crash wall as part of a new residential development adjacent to a railway corridor, the proponent must undertake a detailed study that outlines both the site conditions as well as the design specific of the proposed structure. This study must be submitted to the affected municipality for approval and must contain the following elements:

  » a location or key plan. This will be used to identify the mileage and subdivision, the classification of the rail line, and the maximum speed for freight and passenger rail traffic;

  » a Geotechnical Report of the site;

  » a site plan clearly indicating the property line, the location of the wall structure, and the centreline and elevation of the nearest rail track;

  » layout and structure details of the proposed crash wall structure, including all material notes and specifi ations, as well as construction procedures and sequences. All drawings and calculations must be signed and sealed by a professional engineer;

  » the extent and treatment of any temporary excavations on railway property; and

  » a crash wall analysis, reflecting the specified track speeds for passenger and/or freight applicable within the corridor, and which includes the following four load cases:

  i. Freight Train Load Case 1 - Glancing Blow: three locomotives weighing 200 tonnes each plus six cars weighing 143 tonnes each, impacting the wall at 10 degrees to the wall;

ii. Freight Train Load Case 2 - Direct Impact: single car weighing 143 tonnes impacting the wall at 90 degrees to the wall;

iii. Passenger Train Load Case 3 - Glancing Blow: two locomotives weighing 148 tonnes each plus 6 cars weighing 74 tonnes each impacting the wall at 10 degrees to the wall; and

iv. Passenger Train Load Case 4 - Direct Impact: Single car weighing 74 tonnes impacting the wall at 90 degrees to the wall.

- The crash wall design must include horizontal and vertical continuity to distribute the loads from the derailed train.
- To assist in designing the crash wall safety structure, the following should be considered:
  i. The speed of a derailed train or car impacting the wall is equal to the specified track speed;
  ii. The height of the application of the impact force is equal to 0.914 m (3 feet) above ground; and
  iii. The minimum height of the wall facing the tracks is equal to 2.13 m (7 feet) abovethe top of rail elevation.
- For energy dissipation calculations, assume:
  i. Plastic deformation of individual car due to direct impact is equal to 0.3 m (1 foot) maximum;
  ii. Total compression of linkages and equipment of the two or three locomotive and six cars is equal to 3.05 m (10 feet) maximum; and
  iii. Deflection of the wall is to be determined by the designer, which would depend on material, wall dimensions and stiffness of crash wall.